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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,761	02/09/2001	Christopher John Stokes	190-1469	6611
7590	12/17/2004		EXAMINER	
Lee, Mann, Smith, McWilliams, Sweeney & Ohlson P.O. Box 2786 Chicago, IL 60690-2786			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/780,761	STOKES ET AL. <i>SD</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Charles R Kyle	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 February 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>February 9, 2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase ““An information carrier including computer means...the method comprising”. It is unclear whether the Claim is a system or method Claim. Further, it is unclear what an information carrier is.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5 and 7-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,903,881 in view of *Dummies 101: Windows 95*, hereinafter, *Dummies*.

**With respect to Claims 1 and 2**, Schrader discloses the invention substantially as claimed, including in a computer-implemented method of providing self-service banking to a customer (Abstract), the steps of:

presenting the customer with a display containing a plurality of account icons representing a number of accounts (Fig. 11, elements 263, 267), the display also containing a number of money icons (one) representing money in a selected account (Fig. 11, ele 265); and in response to the customer transferring money from the selected account to another account (Col. 16, lines 22-39; Col. 18, line 45 to Col. 19, line 25, particularly, lines 11, lines 13-16), representing the transfer of at least one of the money icons (Col. 18, lines 58-65; amount at fig. 11, “3,365.00” will appear as a credit in the savings account).

The language of Claim 1 is broadly written and broadly interpreted. In the disclosure of a money icon and account icons, Fig. 11 clearly provides a visual representation of each such element, (i.e., icons). Further, the art is read as disclosing that the amount transferred (Fig. 11, “3,365.00”) is “moved” from Checking to Savings in the sense that the same amount transferred to Savings will appear in the Savings account activity after updating of user’s accounts (Col. 18, lines 58-65). This occurs as moving money from one account to another.

*Schrader* does not specifically disclose an appearance of movement in a physical sense conveyed by the Claim language. *Dummies* discloses such movement as a drag and drop function at pages 19-21 and 80-81. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Schrader* with the icon movement disclosed by *Dummies* because this would provide customers with a familiar computer-based method for movement of contents of one entity to another entity.

**Concerning Claim 3,** *Schrader* discloses confirmation of a transfer at Col. 16, lines 33-35.

**With respect to Claim 5,** *Schrader* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Schrader* does not specifically disclose that a container icon is depicted as a physical object. *Dummies* discloses such a depiction at page 65, Fig. 4.12. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Schrader* with a depiction of a physical container because this would provide a familiar metaphor for the customer in data manipulation.

**As to Claim 7,** *Schrader* discloses enabling the customer to view transaction records at Fig. 7.

**With respect to Claims 8 and 9,** *Schrader* discloses transfer of money for bill payment at Col. 1, line 64 to Col. 3, line 26. See also Col. 15, line 55 to Col. 16, line 21; “dropping” money on a bill payment icon is read as the placement of the payment transaction in an “outbox” disclosed by *Schrader* at Col. 16, lines 4-8. *Dummies* provides the actual dropping of a drag and drop functionality.

**As to Claim 10,** see the discussion of Claims 1 and 8.

**With respect to Claim 11,** it is the system form of Claim 1 and is rejected in a like manner.

**As to Claim 12,** see the discussion of Claims 1; the Claim appears to be a method claim as is Claim 1.

**Claims 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,903,881 in view of *Dummies 101: Windows 95*, hereinafter, *Dummies* and further in view of US 5,706,334 *Balk et al.*

**With respect to Claim 4,** *Schrader* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Schrader* does not specifically disclose that the transfer functions are done using a remote control for an interactive television. *Balk* discloses this limitation at Col. 6, lines 41-67. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Schrader* with the use of the remote control for an interactive television because this would provide a familiar and readily available interface for banking functions. See *Balk* at Abstract.

**Claims 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,903,881 in view of *Dummies 101: Windows 95*, hereinafter, *Dummies* and further in view of US 5,978780 *Watson*.

**With respect to Claim 6,** *Schrader* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Schrader* does not specifically disclose building up a sum of money in a temporary store to build up an aggregate sum for transfer. *Watson* discloses this limitation at Summary of the Invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Schrader* with the payment aggregation of *Watson* because this would provide for a single payment, thus improving customer convenience.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
December 15, 2004

Examiner Charles Kyle

